

United States District Court

Western DISTRICT OF

Texas

FILED
2012 JAN 18 AM 11:01
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BY

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

MATTHEW VARELA

CASE NUMBER:

A12-m-33

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 27, 2011 in TRAVIS county, in the Western District of Texas defendant did, (Track Statutory Language of Offense)

ESCAPE FROM THE CUSTODY OF THE UNITED STATES BUREAU OF PRISONS


in violation of Title 18 United States Code, Section(s) 751

I further state that I am a(n) DEPUTY U.S. MARSHAL and that this complaint is based on the following facts: Official Title

MATTHEW VARELA DID ESCAPE FROM THE CUSTODY OF UNITED STATES ATTORNEY GENERAL IN VIOLATION OF TITLE 18 U.S.C. section 751.

Continued on the attached sheet and made a part hereof. X Yes No

Signature of Affiant



Sworn to before me, and subscribed in my presence

1/13/2012
Date

at

Austin, Texas

City and State

United States Magistrate Judge

Name and Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

I, Brandon Filla, am a Deputy United States Marshal with the United States Marshals Service assigned to the Western District of Texas, Austin Division. As a federal law enforcement officer, I am authorized to enforce the laws of the United States of America. I conduct criminal investigations to locate and apprehend fugitives from justice.

On March 9, 2006, Matthew VARELA was sentenced by the Honorable Sam Sparks, United States District Judge, Austin, Texas to the custody of the United States Bureau of Prisons to be imprisoned for a term of ninety-six (96) months. VARELA had been convicted of Possession with Intent to Distribute Methamphetamine in violation of Title 21, U.S.C. section 841(b)(1)(c). VARELA was further ordered to serve a three (3) year term of supervised release.

On April 24, 2006, VARELA was committed to the custody of the Bureau of Prisons for execution of his sentence.

On September 6, 2011, VARELA was transferred to the Cornell McCabe Center located at 1915 E. Martin Luther King Blvd., Austin, Texas 78702. The Cornell McCabe Center is under contract from the Bureau of Prisons to serve as a transitional center for inmates who are pending release to the community and/or directly to the supervision of the United States Probation Department. Your affiant was advised by the Bureau of Prisons that VARELA, under the custody and control of the Bureau of Prisons, had 67 days remaining on his sentence.

On December 27, 2011, I received a telephone call from Shawn McAlpine, U.S. Bureau of Prisons that VARELA left the Cornell McCabe Center in the morning at 9:33 A.M. to attend work. VARELA's employer called the Cornell McCabe Center at 12:30 P.M. to inform the center that the inmate did not show for work. VARELA called the Cornell McCabe Center at 3:52 P.M. and wanted to know how much trouble he was in if he came in late. VARELA was given a direct order to report back to McCabe Center. VARELA failed to follow the direct order and failed to return to the McCabe Center.

On December 28, 2011, I received a written escape notification from La Tanya V. Robinson, U.S. Bureau of Prisons Community Corrections Manager. Ms. Robinson advised your affiant that VARELA was declared on escape status as a result of not returning to the Cornell McCabe Center when he was ordered to via telephone.

Director of the Cornell McCabe Center explained to your affiant the VARELA was allowed to obtain employment and follow guidelines that were presented to him through an orientation given by the McCabe Center. A form was signed by VARELA to acknowledge the rules and regulations in reference to seeking outside employment away from the McCabe Center.

On December 29, 2011, I spoke with David Streiff, the Director of the Cornell McCabe Center regarding the status of VARELA. Mr. Streiff advised that VARELA had not returned to the Cornell McCabe Center since signing out for work on December 27, 2011 at 9:33 A.M.

Based on the foregoing facts, the undersigned affiant believes there is probable cause to believe Matthew Varela did escape from the custody of the United States Attorney General in violation of Title 18, United States Code, Section 751.

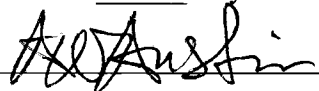
Subscribed and Sworn before me



Brandon Filla

Deputy U.S. Marshal

on this the 13th Day of January, 2012



Andrew Austin

United States Magistrate Judge